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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 04, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JARED ANTHONY WINTERER,

Plaintiff,

v.

UNITED STATES,

Defendant.

NO: 2:24-CV-00220-RMP

ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING CASE

By Order filed July 31, 2024, the Court directed Plaintiff Jared Anthony Winterer, a *pro se* prisoner at the Washington Corrections Center in Shelton, Washington, to show cause why the Court should grant his application to proceed *in forma pauperis* under 28 U.S.C. § 1915(g). ECF No. 9. In the alternative, Plaintiff could have paid the \$405.00 filing fee (\$350.00 statutory filing fee, plus \$55.00 administrative fee). *Id.* His deadline to comply with this Order was August 30, 2024.

Plaintiff has failed to show cause or to pay the filing fee for this action. Having reviewed Plaintiff's submissions, the Court finds that he has failed to

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* AND
DISMISSING CASE -- 1

1 demonstrate that he is eligible to proceed *in forma pauperis* under 28 U.S.C. §
2 1915(g), or that he was under imminent danger of serious physical injury when he
3 filed his complaint. *See Andrews v. Cervantes*, 493 F.3d 1047, 1055–56 (9th Cir.
4 2007). Therefore, Plaintiff has lost the privilege of filing this lawsuit *in forma*
5 *pauperis*. Because Plaintiff did not avail himself of the opportunity to pay the
6 \$405.00 filing fee, he may not proceed with this action.

7 Accordingly, **IT IS HEREBY ORDERED:**

- 8 1. Plaintiff's application to proceed *in forma pauperis*, ECF No. 4, is
9 **DENIED**.
- 10 2. This action is **DISMISSED WITHOUT PREJUDICE** for non-
11 payment of the filing fee as required by 28 U.S.C. § 1914.
- 12 3. The District Court Clerk shall **CLOSE** the file.
- 13 4. The Court certifies any appeal of this dismissal would not be taken in
14 good faith.

15 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
16 Order, enter judgment, and provide copies to Plaintiff.

17 **DATED** September 4, 2024.

18

19 *s/ Rosanna Malouf Peterson*
20 ROSANNA MALOUF PETERSON
21 Senior United States District Judge

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DISMISSING CASE -- 2